

CITY OF SCOTTSDALE
COMMUNITY DEVELOPMENT DEPARTMENT

**INTERPRETATIONS & APPLICATIONS
OF BUILDING CODES & REGULATIONS #88-14**



CODE SECTION : UBC App.421.1

10/11/95

SUBJECT : PRIVATE SWIMMING POOL PROTECTION

On June 15, 1992, effective July 15, 1992, the City of Scottsdale adopted new pool protection requirements as a part of the city building code. On February 17, 1998, the requirements were reconfirmed, when the City adopted the 1997 Uniform Building Code. The purpose of these requirements is to provide an integrated level of protection against potential swimming pool drownings through the use of physical barriers and warning devices. It is not intended as a substitute for adult supervision of children.

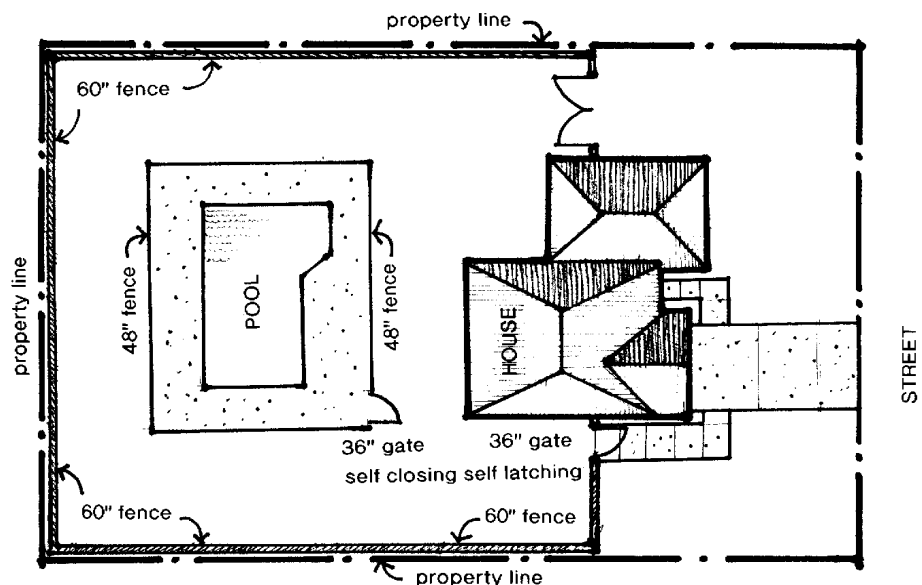
Scottsdale's current swimming pool barrier requirements apply to all single-family residential swimming pools, spas and hot tubs constructed after July 20, 1995. There are no exemptions for households without children.

The current requirements for new swimming pools include a fence that separates the pool from OTHER property (commonly a perimeter fence, located on the property line) that is at least 60" (5'-0") high; and a barrier which separates the pool from the house on the SAME property, which may be a fence 48" high. Please refer to Ordinance No. 3096 for specific requirements.

Since the requirements are not retroactive, pools constructed prior to July 15, 1992, need only comply with the 54" perimeter yard fencing and gate requirement in effect at the time. Pools constructed from July 15, 1992, until July 20, 1995, must meet the current requirements, except perimeter fence height, which was 54" (4'-6") at the time.

It is the responsibility of the pool builder to inform the new pool owner of the barrier requirements. It is the responsibility of the property owner or any other person in charge of a swimming pool to ensure that the required swimming pool barrier, including gates, doors, alarms, locks and / or latches are maintained in safe and good working order at all times.

These pool safety provisions are based upon nationally established standards and are designed to assist homeowners in the supervision of their pools for current or future use by children. We feel they offer reasonable opportunities for Scottsdale homeowners to provide for adequate pool safety by integrating various components of barrier protection.



BARRIERS FOR SWIMMING POOLS, SPAS AND HOT TUBS

UBC Appendix Chapter 4, Section 421.1 as amended.

Outdoor Swimming Pool. An outdoor swimming pool shall be provided with a barrier that shall be installed, inspected and approved prior to plastering or filling with water. The barrier shall comply with the following excerpt from the Uniform Building Code:

1. The top of the barrier shall be at least **60** inches (**1524** mm) above grade measured on the side of the barrier that faces away from the swimming pool. The top of a barrier that separates the pool only from habitable spaces on the same property shall be at least 48 inches (1219 mm) above grade measured on the side of the barrier that faces away from the swimming pool. The maximum vertical clearance between grade and the bottom of the barrier shall be 2 inches (51 mm) measured on the side of the barrier that faces away from the swimming pool. The maximum vertical clearance at the bottom of the barrier may be increased to 4 inches (102 mm) when grade is a solid surface such as a concrete deck, or when the barrier is mounted on the top of the aboveground pool structure. When barriers have horizontal members spaced less than 45 inches (1143 mm) apart, the horizontal members shall be placed on the pool side of the barrier. Any decorative design work on the side away from the swimming pool, such as protrusions, indentations or cutouts, which render the barrier easily climbable, is prohibited.

Where common fences on adjacent property lines of existing developed lots serve as the barrier, the height may be measured on the side that faces the swimming pool. The pool side of the barrier shall be not less than 20 inches from the edge of the water.

2. Openings in the barrier shall not allow passage of a 13/4-inch-diameter (44.5 mm) sphere.

EXCEPTIONS: 1. When vertical spacing between such openings is 45 inches (1143 mm) or more, the opening size may be increased such that the passage of a 4-inch-diameter (102 mm) sphere is not allowed.

2. For fencing composed of vertical and horizontal members, the spacing between vertical members may be increased up to 4 inches (102 mm) when the distance between the tops of horizontal members is 45 inches (1143 mm) or more.

3. Chain link fences used as the barrier shall not be less than 11 gage.

4. Where access gates are provided, they shall comply with the requirements of Items 1 through 3. Pedestrian access gates shall be self-closing and have a self-latching device. Where the release mechanism of the self-latching device is located less than 54 inches (1372 mm) from the bottom of the gate, (1) the release mechanism shall be located on the pool side of the barrier at least 3 inches (76 mm) below the top of the gate, and (2) the gate and barrier shall have no opening greater than 1/2 inch (12.7 mm) within 18 inches (457 mm) of the release mechanism. Pedestrian gates shall swing away from the pool. Any gates other than pedestrian access gates shall be equipped with lockable hardware or padlocks and shall remain locked at all times when not in use.

5. Where a wall of a Group R, Division 3 Occupancy dwelling unit serves as part of the barrier and contains door openings between the dwelling unit and the outdoor swimming pool that provide direct access to the pool, a separation fence meeting the requirements of Items 1, 2, 3 and 4 of Section 421.1 shall be provided.

EXCEPTION: One of the following may be used in lieu of a separation fence:

1. Self-closing and self-latching devices installed on all doors with direct access to the pool with the release mechanism located a minimum of 54 inches (1372 mm) above the floor.

2. An alarm installed on all doors with direct access to the pool.

The alarm shall sound continuously for a minimum of 30 seconds within seven seconds after the door and its screen, if present, are opened, and be capable of providing a sound pressure level of not less than 85 dBA when measured indoors at 10 feet (3048 mm). The alarm shall automatically reset under all conditions. The alarm system shall be equipped with a manual means, such as a touchpad or switch, to temporarily deactivate the alarm for a single opening. Such deactivation shall last no longer than 15 seconds. The deactivation switch shall be located at least 54 inches (1372 mm) above the threshold of the door.

3. Other means of protection may be acceptable so long as the degree of protection afforded is not less than that afforded by any of the devices described above.

6. Where an aboveground pool structure is used as a barrier or where the barrier is mounted on top of the pool structure, and the means of access is a ladder or steps, then (1) the ladder or steps shall be capable of being secured, locked or removed to prevent access or (2) the ladder or steps shall be surrounded by a barrier that meets the requirements of Items 1 through 5. When the ladder or steps are secured, locked or removed, any opening created shall be protected by a barrier complying with Items 1 through 5.

“7. A pool safety cover which complies with ASTM F 1346-91 may be used to meet the requirements of Items 1 through 6 above for barrier protection between the dwelling unit and swimming pool provided all other portions of the perimeter fencing around the yard are installed and maintained as required. If switching devices are used for operation of the pool safety cover, they shall be key-operated, locked away, or otherwise located in an inaccessible location. An inaccessible location shall be at a height of at least 54 inches above the deck or adjacent ground level and where the entire pool can be visually inspected during cover operation.

“8. The building official may grant an exception to the above barrier requirements when it is determined that there is a natural barrier existing on the premises in the form of thorny/spiny vegetation, landscaping, or topography which prevents access to the pool area. An exception may also be granted for barrier protection between the dwelling unit and swimming pool when such protection precludes access by a disabled adult resident.

421.2 Indoor Swimming Pool. For an indoor swimming pool, protection shall comply with the requirements of Section 421.1, Item 5.

421.3 Spas and Hot Tubs. For a nonself-contained and self-contained spa or hot tub, protection shall comply with the requirements of Section 421.1.

EXCEPTION: A self-contained spa or hot tub equipped with a listed safety cover shall be exempt from the requirements of Section 421.1.

“421.3 Responsibility of Builder/Installer. In the case of new swimming pool, spa, or hot tub construction, it shall be the responsibility of the builder/installer to inform the pool owner of the above barrier requirements. Violations shall be remedied in accordance with Section 31-33 of the Scottsdale Revised Code.

“421.4 Responsibility of Owner/Tenant. It is the responsibility of the property owner and any other person in responsible charge of a swimming pool to ensure that the required swimming pool barrier, including all gates, doors, locks, alarms, and latches are maintained in safe and good working order at all times. No person shall alter or remove any portion of a swimming pool barrier except to repair, reconstruct, or replace the barrier in compliance with the provisions of this chapter.

“421.5 Nuisance and Property Maintenance. Swimming pools, spas, and hot tubs constructed after the enactment of this chapter which are not enclosed or protected by a barrier as required in Section 421.1 are hereby declared to be unsafe and nuisance, and shall be resolved by the Code Enforcement Unit of the Planning & Development Department under the procedures outlined in Chapter 18 of the Scottsdale Revised Code.”

See City of Scottsdale Ordinance # 3096 for other information. Effective March 19, 1998.